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*ADMITTED IN NY & NJ

September 28, 2022

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED, pg. 2.

Re: *United States v. Markin, et al*, 22 CR 395
Seth Markin - Defendant

Your Honor:

On September 23, 2022, the Court granted our application, dated September 21, 2022, permitting the defendant to accompany a friend on a trip to Asheville, North Carolina from November 1 through November 8, 2022. (*See* ECF #17-18).

The application contained an error that, while not material to the application, warrants correction.

The Error

The application erroneously stated:

From the date of the search until the present, the defendant has been aware that he was under investigation for charges of securities fraud. Yet, the defendant obtained other employment and has made no effort to absent himself from the authorities.

The Correction

On November 3, 2021, the Government sought and obtained, by telephonic means, four separate search warrants pertaining to this defendant. One granted authority to search the

defendant's dormitory room at the FBI Academy, Quantico, Virginia. Two other warrants granted authority to search lockers #298 and #708 at the FBI Academy. The fourth warrant granted authority to search a storage shelf on the first floor of Building 9 at the FBI Academy. All four of the warrants included a provision that notification of the search could be delayed for up to 30 days.

A return on one of the warrants indicates that on November 4, 2021 a cellphone was seized and data was extracted from the phone.

On November 12, 2021, the defendant was notified by letter that his security clearance had been suspended.

Then, on November 16, 2021, the defendant was notified that he was dismissed from his position as an FBI trainee.

During the meeting regarding the defendant's termination as an FBI trainee, he was notified both of the dismissal and of the fact that he was under investigation for charges relating to insider trading.

Therefore, we submit, as we did in our original letter, that notwithstanding the passage of more than 9 months since the defendant's dismissal and the notification that he was under investigation for insider trading, the defendant has made no effort to absent himself from the authorities.

I regret any confusion caused by the error in my initial application. The error was the product of the fact that when I first examined the warrants and supporting documents, they were comingled in a fashion that gave rise to some confusion.

Conclusion

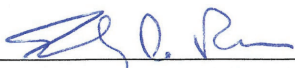
For all the reasons set forth herein, as well as in our initial application, we respectfully submit that the decision granting the bail application should stand.

Most respectfully,

/s/ Maurice H. Sercarz

cc: All Parties (by ECF)

The Court's decision granting Mr. Markin leave to travel remains unchanged. Doc. 18. The Clerk of the Court is respectfully directed to terminate the motion, doc. 21.
SO ORDERED.



Edgardo Ramos, U.S.D.J
Dated: 9/29/2022
New York, New York